FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3072 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms. N.S. Moily for the petitioner.
Mr.A.J. Bhor for the B.M.C.
Mr.S.V.Chavan i/by Utangale & Co. for the respondent.

CORAM : R.S.MOHITE,J.
DATED : 16.11.2005.

P.C.

1. Heard Advocate for the petitioner. Perused the petition.

2. What is challenged is an order dated 16.10.2004 passed by the City Civil Court dismissing the Chamber Summons No.1642/2003 filed in L.C.Suit No.6105/2003. The said suit was filed by the petitioner against the Bombay Municipal Corporation. However, during the pendency of the suit, the officers from MHADA demolished the structure in question. The chamber summons was filed in the suit for impleading the

officers of MHADA and seeking reconstruction of the said structure. In my view, cause of action against the MHAD A was entirely different. If at all, the petitioner wanted to challenge the action of MHADA, independent proceeding according to law should have been filed. The attempt to implead MHADA and challenging its action in suit filed against the B.M.C. is not proper. The chamber summons was rightly disallowed by the trial court. Hence, writ petition is rejected.

(R. S. MOHITE, J.)

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